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**CONDENSED**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.  
W. A. DREW EDMONDSON, in his  
capacity as ATTORNEY GENERAL  
OF THE STATE OF OKLAHOMA and  
OKLAHOMA SECRETARY OF THE  
ENVIRONMENT C. MILES TOLBERT  
in his capacity as the TRUSTEE  
FOR NATURAL RESOURCES FOR  
THE STATE OF OKLAHOMA,

Plaintiffs

vs.

05-CV-0329 GKF SAJ

TYSON FOODS, INC., TYSON  
POULTRY, INC., TYSON CHICKEN,  
INC., COBB-VANTRESS, INC.,  
AVIAGEN, INC., CAL-MAINE FOODS,  
INC., CAL-MAINE FARMS, INC.,  
CARGILL, INC., CARGILL TURKEY  
PRODUCTION, LLC, GEORGE'S, INC.,  
GEORGE'S FARMS, INC., PETERSON  
FARMS, INC., SIMMONS FOODS, INC.,  
and WILLOW BROOK FOODS, INC.,

Defendants

**VOLUME II**  
**VIDEOTAPE DEPOSITION OF ALAN LEE FORD**  
Taken on Behalf of the Defendants  
On July 21, 2008, beginning at 9:00 a.m.  
In Oklahoma City, Oklahoma

**APPEARANCES:**

Appearing on behalf of the PLAINTIFF  
STATE OF OKLAHOMA

**Robert A. Nance**  
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Reported By: Becky C. Dame, CSR, RPR



**EXHIBIT**

14

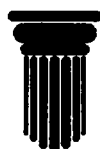
PR#9833

FORD, ALAN

7/21/2008

<p>1 Q So they tried to construct a system that</p> <p>2 would allow them to pump out to the 3.5-acres and</p> <p>3 apply it, but it never worked?</p> <p>4 A That's correct.</p> <p>5 Q Do they continue to this day to land apply</p> <p>6 wastewater to the inside of the dikes?</p> <p>7 A I do not believe that's -- no.</p> <p>8 Q Okay.</p> <p>9 A That's not necessary. Those lagoons are</p> <p>10 so oversized for what they're being used for.</p> <p>11 They're way oversized. That was by design.</p> <p>12 Q Did you ask them whether or not they're</p> <p>13 doing spray irrigation from those lagoons currently?</p> <p>14 A They're -- I asked them, "Are you doing</p> <p>15 any land application of effluents?" and they're</p> <p>16 answer was "No."</p> <p>17 Q Okay. So it's the State of Oklahoma's</p> <p>18 testimony that they are not doing any land</p> <p>19 application of wastewater or fluids from the lagoons</p> <p>20 at Lake Tenkiller State Park?</p> <p>21 A Correct.</p> <p>22 May I look at this again?</p> <p>23 Q Certainly.</p> <p>24 A Thank you.</p> <p>25 Q Another one on here. It's Provision</p> <p style="text-align: center;">150</p>	<p>1 Q And who did they self-report it to?</p> <p>2 Themselves?</p> <p>3 A Yes, sir.</p> <p>4 Q To DEQ?</p> <p>5 A No. They -- they never provided me with a</p> <p>6 report on those. They never provided a report on</p> <p>7 the three-and-a-half acres because they never land</p> <p>8 applied there. The application inside the slope of</p> <p>9 the lagoons, they never reported.</p> <p>10 Q Okay. So there are no written reports</p> <p>11 related to the spray irrigation land application?</p> <p>12 A I don't know.</p> <p>13 Q You don't have any --</p> <p>14 A I don't know.</p> <p>15 Q You don't know? All right.</p> <p>16 I may be about done.</p> <p>17 The -- we talked about the neopack</p> <p>18 (phonetic) property and the application of sludge</p> <p>19 from the lagoons at that property in your deposition</p> <p>20 on 6/30/2008. Do you remember that?</p> <p>21 A Yes, sir.</p> <p>22 Q And I had asked you whether or not you</p> <p>23 knew the name of the contractor that was used to do</p> <p>24 that, and you didn't know at that time?</p> <p>25 A That's correct.</p> <p style="text-align: center;">152</p>
<p>1 No. 10 in the permit, in Exhibit 11. It references</p> <p>2 the following: That a monthly report be submitted</p> <p>3 to the department listing the date, time, and</p> <p>4 duration of each application. The total volume of</p> <p>5 water applied, number of acres irrigated and</p> <p>6 calculated drain application. Include a description</p> <p>7 of sight, pasture, hay, meadow, crop land. List all</p> <p>8 potential food crops that are irrigated.</p> <p>9 I had asked you in your deposition on</p> <p>10 6/30/08 whether or not you had seen any of these</p> <p>11 monthly reports --</p> <p>12 A Correct.</p> <p>13 Q -- and your answer was "No"?</p> <p>14 A Correct.</p> <p>15 Q Okay. Have you seen any of those monthly</p> <p>16 reports now?</p> <p>17 A No, sir.</p> <p>18 Q Okay. Did you ask anyone whether or not</p> <p>19 they had monthly reports related to this permit?</p> <p>20 A Yes, sir.</p> <p>21 Q And what were you told?</p> <p>22 A They never applied the sludge or the</p> <p>23 affluent to that three-and-a-half acres. The</p> <p>24 spraying on the inside of the slopes, they</p> <p>25 self-reported.</p> <p style="text-align: center;">151</p>	<p>1 Q Do you know now?</p> <p>2 A No, sir, I do not.</p> <p>3 Q Okay. Did you make inquiry as to who that</p> <p>4 contractor was?</p> <p>5 A (Witness nods head up and down.)</p> <p>6 Q You have to answer out loud.</p> <p>7 A Yes, I did.</p> <p>8 Q And what were you told?</p> <p>9 A That they didn't know.</p> <p>10 Q Okay. Who was "they"?</p> <p>11 A Let's see. It would be Steve Williams,</p> <p>12 Chris Merrick. Who else did I talk to? I don't</p> <p>13 remember who else I asked about that, but I know</p> <p>14 those two. Randy Folkes.</p> <p>15 Q Okay. And, also, at your deposition on</p> <p>16 June 30, 2008, I think there was some confusion</p> <p>17 either on -- probably on my part, whether or not</p> <p>18 Green Leaf State Park is in the Illinois River</p> <p>19 Watershed. Is it?</p> <p>20 A We do not believe it to be.</p> <p>21 MR. BOND: I don't have any more</p> <p>22 questions. I'll pass the witness.</p> <p>23 MR. THOMPSON: I have no questions.</p> <p>24 MR. FREEMAN: I have no questions.</p> <p>25 MS. LONGWELL: I don't have any questions.</p> <p style="text-align: center;">153</p>

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